

Notice of Allowability

Application No.

10/810,731

Examiner

John D. Lee

Applicant(s)

JAIN ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 25 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____


John D. Lee
Primary Examiner

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

On page 7, line 12, of the disclosure, "Figure 1 represents"
has been changed to "Figures 1(a) and 1(b) represent";

In claim 5, line 1, "fiber" has been changed to "fibers";

In claim 5, line 2, "tube" has been inserted after "capillary";

In claim 11, line 1, "the" has been inserted after "wherein";

In claim 12, line 1, "the" has been inserted after "wherein"; and

In claim 13, line 1, "work" has been changed to "works".

These minor changes were made in order to correct grammatical errors and do not require consultation with applicant or applicant's representative (MPEP § 1302.04).

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance: After a diligent search of the prior art, the cited U.S. Patent to Bruno-Raimondi et al is deemed to be the most relevant prior art document known. Bruno-Raimondi et al discloses an optical sensor which is designed in a somewhat similar manner to the sensor of applicant's claims. In FIGURES 5A and 5B of Bruno-Raimondi et al, for example, the sensor includes a capillary and associated right-angle prism assembly along with a photo-detector for ultimately receiving light from the sensor. The Bruno-Raimondi et al sensor represents the closest known optical sensor which includes the same primary elements

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utilized by applicant's claimed sensor, but it is clear that they are quite different in their design as well as their function. Bruno-Raimondi et al is a luminescence-based chemical and biochemical sensor, whereas applicant claims a point temperature monitor. In Bruno-Raimondi et al, the capillary is simply a channel in an elastomeric substrate, whereas applicant's claimed capillary is a glass capillary tube with a cap and a bulb for holding a thermally expandable liquid. Reflection of light from the sensing portion of the device into and through the prism(s) occurs in different manners in Bruno-Raimondi et al and in applicant's claimed device. It is therefore clear that the claimed sensing device and that of the Bruno-Raimondi et al reference, while superficially similar one to the other, are actually quite distinct and the claimed device would not have been obvious to a person of ordinary skill in the art in view of that reference's disclosure. Claims 1-15 herein are, therefore, allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

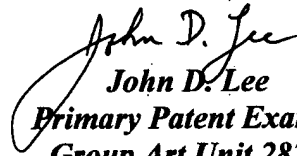
Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562, to the technical support staff supervisor (Team 8) at telephone number (571) 272-1564, or

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to the Technology Center 2800 Customer Service Office at telephone number (571) 272-1626.


John D. Lee
Primary Patent Examiner
Group Art Unit 2874